

**2021 NOFA for New Construction of  
Multifamily Affordable Rental Housing**

**Application Form and Instructions for  
Housing Development Financing**

**City of Oakland**

**Department of Housing and Community Development**

**November 16, 2021**

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## APPLICATION INSTRUCTIONS

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Developers requesting City of Oakland funds must complete the following application including all supporting documentation.

**Applications must be received by Oakland's Department of Housing and Community Development no later than 5:00 p.m. on Thursday, January 7, 2022.**

**ALL APPLICATIONS MUST BE SUBMITTED THROUGH CITY DATA SERVICES (CDS), HCDD's on-line database system. Instructions for submittal via CDS are included below in the Application Requirements section.**

**Applications submitted after this deadline will not be accepted.**

Each sponsor will be permitted to submit two (2) applications for this NOFA round. In the event of a joint application with an emerging developer (as defined in the NOFA Program Description), the joint application will not count towards the lead developer's application limit.

**Applicants are strongly encouraged to attend both the NOFA pre-application meeting on November 18, 2021 at 10:30 a.m., and the NOFA Office Hours meeting will be held on December 16, 2021 at 1:00 p.m. Both meetings will be held via video conference with the Zoom meeting information is below.**

### **Zoom meeting details:**

<https://us02web.zoom.us/j/88948857283>

Meeting ID: 889 4885 7283

One tap mobile

+16699009128,,88948857283# US (San Jose)

+12532158782,,88948857283# US (Tacoma)

Dial by your location

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

Meeting ID: 889 4885 7283

Find your local number: <https://us02web.zoom.us/j/88948857283>

Planning Bureau staff will explain CEQA and NEPA requirements, the City's required employment and contracting programs will be presented, and applicants will have an opportunity to ask questions about the NOFA.

Applications will be reviewed by staff first for completeness and then for compliance with all City requirements. Projects will be reviewed for consistency with City housing and community development objectives, developer capacity and experience, financial feasibility, cost control, and degree of leveraging of non-City funds. Projects that meet threshold requirements will be scored and ranked per the Evaluation Criteria in the NOFA (see *Scoring Criteria* section of the NOFA). If necessary, applicants will be contacted for additional information or for modification of project proposals. **However, applications that are deemed substantially incomplete may be rejected.**

## Application Requirements

The CDS electronic application will be “live” starting Tuesday, November 16, 2021. Applicants can begin to enter information in the electronic application at this time.

<b>NOFA SELECTION PROCESS TIMELINE</b>	
<b>1. <u>ISSUANCE OF NOFA</u></b>	<b>NOVEMBER 16, 2021</b>
<b>2. <u>NOFA PRE-APPLICATION MEETING</u></b>	<b>NOVEMBER 18, 2021 AT 10:30 AM</b>
<b>3. <u>HCD NOFA OFFICE HOURS MEETING</u></b>	<b>DECEMBER 16, 2021 AT 1:00 PM</b>
<b>4. <u>NOFA SUBMISSION DUE DATE AND TIME</u></b>	<b>JANUARY 7, 2022 AT 5:00 PM</b>
<b>5. <u>STAFF REVIEW OF SUBMITTALS</u></b>	<b>JANUARY 10<sup>TH</sup>, 2022 THRU JANUARY 21, 2022</b>
<b>6. <u>FINAL SELECTIONS</u></b>	<b>JANUARY 28, 2022</b>

CDS will host a training session on the electronic application on Wednesday, December 2nd at 11:00 am.

Zoom Meeting Details below:

<https://zoom.us/j/3111036377> Meeting ID: 311 103 6377 +16699006833, 3111036377# US (San Jose) +13462487799, 3111036377# US (Houston) Dial by your location +1 669 900 6833 US (San Jose) +1 346 248 7799 US (Houston) +1 929 205 6099 US (New York) +1 253 215 8782 US +1 301 715 8592 US +1 312 626 6799 US (Chicago) Meeting ID: 311 103 6377

Applicants who are new CDS users, please go to <http://www.citydataservices.net> and use OAK2021 to create a unique username and password in order to submit an application. Existing CDS users, please use your current username and password to submit an application. Please direct CDS technical questions to [citydataservices@yahoo.com](mailto:citydataservices@yahoo.com) or 650-533-5933.

**All materials must be submitted electronically.** The following must be prepared using the City’s electronic workbooks. Use the drop-down boxes in cells where applicable to select your answer.

- ◆ The Checklist located on page 7 should be used as the Table of Contents for the application.
- ◆ Applicable City forms/templates may be downloaded from the City’s website at <https://www.oaklandca.gov/resources/nofa-opportunities>

- ◆ Applicable City forms/templates may be downloaded from the City’s website at <https://www.oaklandca.gov/resources/nofa-opportunities>
- ◆ Please submit an original signed Certifications Form (Checklist Item #18 and is located on Page 34-36 of the Application Form and Instructions for Housing Development Financing document). It may be downloaded from the City’s website at <https://www.oaklandca.gov/documents/2021-nofa-exhibit-18-certification-and-campaign-contribution-limit-acknowledgement>
- ◆ Application Form, Self-Scoring Worksheet, & Development Schedule
- ◆ Development Budget; Operating Budget, & 30 year Proforma
- ◆ Financial Summary Worksheet; Replacement Unit Analysis: & Unit Size and Affordability Worksheet
- ◆ Rental Survey & Maximum Affordable Sales Price Calculation (if applicable)

The workbooks are available for download with the rest of the application at: <https://www.oaklandca.gov/resources/2021-new-construction-of-multifamily-affordable-housing-nofa>

Applicants should understand that, under the California Public Records Act and the City’s Sunshine Ordinance, **all documents submitted as part of this application are considered public records and will be made available to the public upon request.**

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***OTHER ITEMS REQUIRED AFTER INITIAL APPROVAL***

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Additional materials will be required to be completed and/or submitted at different stages of the development process. The City reserves the right to require additional materials. All materials must be submitted in a form acceptable to the City.

***Prior to Staff Recommendation of Financing to City Council***

- ◆ Application and all applicable supporting exhibits and worksheets
- ◆ If recommended by the Phase I, a Phase II must be submitted
- ◆ Planning/zoning approvals
- ◆ Design review approval
- ◆ **CEQA compliance review completed by City**

***Prior to Loan Closing***

- ◆ Full Schematic Drawings
- ◆ Final development budget, operating budget, rent schedule or sales analysis
- ◆ Firm commitments for other financing
- ◆ Evidence of equity commitment
- ◆ NEPA environmental review approved by City and HUD
- ◆ Soils, geological, and/or asbestos survey (if needed)
- ◆ Lead-based paint testing and report (if needed)

- ♦ Final Relocation Plan (if needed)
- ♦ Evidence of insurance
- ♦ Architect and developer certification regarding accessibility (Fair Housing Act, ADA, HUD Section 504)
- ♦ Contract Compliance forms such as Equal Benefits Ordinance, Living Wage, etc.
- ♦ Updated GreenPoints Tool or LEED Checklist
- ♦ Updated Financial Statements and staff capacity info (if requested)
- ♦ A Market Study that substantiates sufficient demand for the units at the proposed rents or sales prices (required if HOME funds)
- ♦ Updated development schedule (if HOME funds) indicating construction will complete within four years of the date of the written agreement with the City.

***Prior to Start of Construction***

- ♦ Hazardous materials risk assessment and abatement plan
- ♦ Demolition and building permits
- ♦ Plans and specifications approved by Housing Development and the Planning Bureau
- ♦ Construction contract approved by Housing Development
- ♦ Payment and performance bonds
- ♦ Evidence of contractor's insurance and lender's loss payable endorsement
- ♦ Construction budget and schedule approved by Housing Development
- ♦ Final loan documents for all other construction financing
- ♦ Approval to proceed issued by Contract Compliance Division
- ♦ Notice to Proceed issued by Housing Development

***Prior to Completion (at least 180 days before construction is completed)***

- ♦ Final Marketing Plan approved by Housing Development
- ♦ Final Management Plan approved by Housing Development
- ♦ Final Resident Services Plan approved by Housing Development
- ♦ Final Operating Budget approved by Housing Development

***Prior to Completion (at least 90 days before construction is completed)***

- ♦ Management agent and contract approved by Housing Development
- ♦ Resident services provider approved by Housing Development

***After Project Completion***

- ♦ Cost Certification approved by Housing Development
- ♦ Demographic and income information of initial occupants
- ♦ Lead-based paint certification

**HOUSING DEVELOPMENT FINANCING APPLICATION CHECKLIST**

*Complete the checklist as the Table of Contents for your Application via CDS.*

Applicant: \_\_\_\_\_

Project: \_\_\_\_\_

Project Address: \_\_\_\_\_

ITEMS TO BE SUBMITTED (in separately tabbed sections)	A	FOR CITY USE	
	Check if Enclosed	Date Rec'd	Complete Y/N
<b>SUMMARY INFORMATION</b>			
1. Cover Letter/Narrative Description			
2. Self-Scoring Worksheet			
3. City Application Form			
<b>THRESHOLD INFORMATION</b>			
4. Community Outreach Plan and Activities			
5. Evidence of Demand or Market Study			
6. Parcel Map			
7. Evidence of Site Control			
8. Preliminary Title Report			
9. Appraisal			
10. Replacement Unit Analysis			
11. Relocation Plan and Budget (if applicable)			
12. Letter of Conformity with Zoning Requirements			
13. Phase I Environmental Site Assessment			
13a. Phase II (if required)			
14. Design Sketches			
15. Development Schedule			
16. Marketing and Management Plan			
17. CHDO Recertification (if applicable)			
18. Certifications and Campaign Contribution Limit Acknowledgement			



	A	FOR CITY USE	
ITEMS TO BE SUBMITTED (in separately tabbed sections)	Check if Enclosed	Date Rec'd	Complete Y/N
<b>PROJECT FEASIBILITY &amp; SCORING CRITERIA</b>			
19. Planning and CEQA Approvals			
20. Development Budget			
21. Operating Budget			
22. 30 Year Proforma			
23. Financial Summary			
24. Unit Size and Affordability			
24a. HUD Utility Schedule Model <a href="http://www.huduser.org/portal/resources/utilallowance.html">www.huduser.org/portal/resources/utilallowance.html</a>			
25. Construction Financing			
26. Permanent Financing			
27. Acquisition and Predevelopment Financing			
28. Rental or Operating Subsidies (if applicable)			
29. Neighborhood Narrative and Revitalization Description			
30. Location Map			
31. Developer Experience Worksheets			
32. Joint Venture Agreement (if applicable)			
33. Developer Capacity Worksheet			
34. Resumes of Developer's Key Staff			
35. Resumes and Experience of Development Team			
36. Audited Financial Statements and Financial Analysis Workbook			
37. Preliminary Resident Services and Technology Plan			
38. Sustainability Plan			
39. Certifications			

**City of Oakland**  
**Department of Housing and Community Development**

***APPLICATION FOR CITY OF OAKLAND HOUSING DEVELOPMENT FINANCING***

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***Attach each of the following exhibits in a tabbed, appropriately numbered section of your application binder.***

**1. *Narrative Cover Letter***

Applications must include an uploaded narrative cover letter that provides a basic description of the project into CDS. The cover letter should include but is not limited to the following.

***Summary Information***

- Amount of loan requested
- Total financing gap including County A1 bond funds
- Number and size of units (number of bedrooms)
- Target population served
- Location
- Total development cost
- Any desired variance in standard loan terms
- Description of proposed financing plan (including commercial space financing if mixed use)

***Site Information***

- Current use of site
- Distinguishing features
- Any environmental issues

***Physical Characteristics***

- Type of construction
- Number of stories
- Architectural style
- Distinguishing features
- Location, type and number of parking spaces
- On- and off-site improvements required

***Amenities and Services***

- Common facilities and amenities, including computer technology
- Resident services programs (if included)

**2. *Self-Scoring Worksheet***

Applicants are required to submit a self-score worksheet. The Scoring Criteria summary sheet should be used for self-scoring and is available via the CDS application.

Use the City's electronic workbook to complete the self-scoring worksheet. Use the drop-down boxes in cells where applicable to select your answer. Applicants should not assume that their self-score estimate will be the actual score that will be achieved.

3. **Application Form** (To be entered into CDS)

**Project Summary**

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Project Name: \_\_\_\_\_

Project Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ City Council District: \_\_\_\_\_

Census Tract: \_\_\_\_\_ Parcel No.: \_\_\_\_\_

OUSD Elementary School Boundary That Property is Located Within:

\_\_\_\_\_

OUSD School Report Card (Color Code) in English Language Arts or Mathematics:

\_\_\_\_\_

Total Number of Housing Units: \_\_\_\_\_

Total Number of Affordable Units: \_\_\_\_\_

Total Number of Bedrooms: \_\_\_\_\_

Target Population: \_\_\_\_\_

Total Number of Accessible Units:

Mobility Impaired: \_\_\_\_\_ Hearing/Visually Impaired: \_\_\_\_\_

Number of Special Needs Units: \_\_\_\_\_

Special Needs Population Targeted: \_\_\_\_\_

\_\_\_\_\_

Total Number of Permanent Supportive Housing Units for Homeless

Households: \_\_\_\_\_

Other City Funds Previously Received, if any: \_\_\_\_\_

Funds Currently Requested: \_\_\_\_\_

Total Development Costs (Affordable Residential Only): \_\_\_\_\_

Other Expected Sources of Funding (not including private bank loans):

“ 9% Tax Credits                      “ 4% Tax Credits/CDLAC                      “ HUD 202 or 811

“ AHP                                      “ Project-based Section 8                      “ CalHFA

“ MHP                                      “ MHPA    “ HOPWA

“ Infill Infrastructure Grant (IIG)                      “ Transit Oriented Devt (TOD)

“ Other: \_\_\_\_\_

“ Other: \_\_\_\_\_

Other: \_\_\_\_\_

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What type of short term and long term jobs are projected to be created from the development of this affordable housing project? List both the positions types and the estimated number of jobs: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Applicant Information**

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**A. Identify Applicant**

- \_\_\_\_\_ Applicant is current owner and will retain ownership.  
\_\_\_\_\_ Applicant is the project developer and will be part of the final ownership entity.  
\_\_\_\_\_ Applicant is the project developer and will not be part of the final ownership entity for the project.

Applicant Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_ Fax: \_\_\_\_\_

Property Management Company: \_\_\_\_\_

Property Management Contact: \_\_\_\_\_ Phone: \_\_\_\_\_

**B. Legal Status of Applicant**

- \_\_\_ General Partnership      \_\_\_ Individual      \_\_\_ Limited Partnership  
\_\_\_ Corporation              \_\_\_ Nonprofit Organization      \_\_\_ Local Government  
\_\_\_ Certificate of Good Standing Joint Venture      \_\_\_ Other (specify)

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**C. Status of Organization**

- \_\_\_ Currently Exists  
\_\_\_ To be formed, estimated date: \_\_\_\_\_  
\_\_\_ Federal Tax I.D. Number: \_\_\_\_\_

**D. Name(s) of individuals who will be General Partner(s) or Principal Owner(s)**

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**E. Developer Type**

Nonprofit                       For Profit                       Joint Venture

**Site Control**

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Site control at the time of application is required. Indicate the level of site control currently held by the developer. Evidence of site control must be included as Exhibit 7 to the Application.

- a. Copy of Deed, for Fee Ownership
- b. Purchase agreement: Date of Expiration: \_\_\_\_\_  
Provision for Extension:    Yes o No o Cost of Extension: \_\_\_\_\_
- c. Option: Date of Expiration: \_\_\_\_\_  
Provision for Extension:    Yes o No o Cost of Extension: \_\_\_\_\_
- d. Enforceable Agreement with the City (e.g. Exclusive Negotiating Agreement, Lease Disposition and Development Agreement, or Disposition Development Agreement):  
Date of Expiration: \_\_\_\_\_  
Provision for Extension:    Yes o No o Cost of Extension: \_\_\_\_\_

**Project and Site Information**

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- A. Current Site Use (complete as many as apply):
  - Residential:             Number of Units
  - Commercial:  Vacant             Occupied             # of Buildings             Sq. Ft.  
If occupied, briefly describe uses: \_\_\_\_\_
  - Industrial:             Vacant             Occupied             # of Buildings             Sq. Ft.  
If occupied, briefly describe uses: \_\_\_\_\_
  - Parking Lot :     In Use             Not In Use             # of Parking Spaces
  - Vacant Lot
- B. \_\_\_\_\_ Number of Residential Structures in planned project
- C. \_\_\_\_\_ Proposed Buildings are on a contiguous site (yes/no)
- D. \_\_\_\_\_ Number of Community Structures, if separate
- E. \_\_\_\_\_ In a floodplain (yes/no). Map used: \_\_\_\_\_  
If yes, type of floodplain (# of years): \_\_\_\_\_
- F. \_\_\_\_\_ Total units per acre

- G. \_\_\_\_\_ Total square footage of lot
- H. \_\_\_\_\_ Total square footage of all project structures
- I. \_\_\_\_\_ Total gross residential square footage
- J. \_\_\_\_\_ Total square footage of all residential units
- K. \_\_\_\_\_ Total gross commercial square footage
- L. \_\_\_\_\_ Total net leasable commercial square footage
- M. \_\_\_\_\_ Total parking structure square footage
- N. \_\_\_\_\_ Total parking spaces
  - \_\_\_\_\_ Open parking spaces
  - \_\_\_\_\_ Covered parking spaces
  - \_\_\_\_\_ Structured parking spaces
  - \_\_\_\_\_ Other parking spaces, type \_\_\_\_\_

***9% Tax Credit Competitiveness Summary***

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**If applying for 9% tax credits, please provide the following with your application form:**

- ♦ A calculation of the expected tiebreaker score under the current Tax Credit Allocation Committee (TCAC) Regulations.
- ♦ The type of TCAC set-aside the project is applying under.
- ♦ Written narrative describing the feasibility of the financing plan and why the project has a high chance of successfully receiving other primary sources of competitive financing.

**EXHIBITS 4-18: THRESHOLD INFORMATION**

**4. *Community Outreach Plan and Activities***

Upload electronically a Community Outreach Plan and evidence that a minimum level of community outreach has been completed prior to applying for funding into CDS. Applicants must contact neighborhood organizations in the vicinity of the proposed development prior to applying for financing. A list of relevant organizations can normally be obtained from the office of the City Councilmember for the district or from the area's Neighborhood Services Coordinator. Applicants must have held at least one meeting with an established neighborhood organization, preferably by attending a regular meeting of the group or groups. Applicants are encouraged to meet with more than one neighborhood organization and to hold or attend more than one meeting.

The Community Outreach Plan should describe how you will build support for your project and address community concerns, including a list of all individuals and organizations with whom you have met or will meet to discuss the project, and the approximate dates of each phase of the plan. The Nonprofit Housing Association of Northern California has useful resources on building support for affordable housing. Refer to their website at [www.nonprofithousing.org](http://www.nonprofithousing.org).

*Evidence of Community Outreach* must include the following information regarding the required meeting with a community organization referenced above:

- ♦ Copy of announcements of the meetings (flyers, advertisements, etc.);
- ♦ Copy of the agenda for the meetings;
- ♦ Copy of handouts or other information used, including reductions of material; presented on easel boards;
- ♦ Sign-in sheets from the meeting; and
- ♦ Minutes of the meeting.

Housing proposals often encounter concerns and opposition. Applicants need to encourage clear expression of these issues as soon as possible, and must document plans for addressing them. *Evidence of Community Outreach* should also include:

- ♦ From the above meetings and any other source, provide summaries of concerns expressed, and major points made in support or opposition.
- ♦ Describe any involvement by the City Councilmember's office or others to facilitate discussion and clarification of concerns.
- ♦ Describe plans to address the concerns you have heard or expect.

Additionally, please provide:

- ♦ Letters of support from neighborhood residents or organizations. (Letters from individuals or organizations involved in the development are of limited importance. Similarly, while appreciated, letters of support from public officials from outside the immediate area, or from citywide organizations, including social service or housing advocacy groups, do not constitute community support.)

##### **5. *Evidence of Demand or Market Study***

Applicants must verify the market demand for the proposed housing by providing a narrative and a rent or sales comparable analysis. Note that a full market study will be required prior to loan closing for projects receiving HOME funds.

All projects must provide a brief narrative that addresses the following:

- ♦ Describe how the rent or sales price survey (see below) provided in the application demonstrates that there is a strong demand for the proposed project and how the project will ensure lease-up or sales on schedule.
- ♦ Describe how the proposed development may impact demand for other existing affordable housing developments in the market area.
- ♦ Provide other evidence of need for the project, such as how the proposed project provides for needed housing as identified in the City's Consolidated Plan, or other evidence of market demand.

All projects must also provide a market study or survey, as described below:

**Rental Projects:** A market study or rental survey must be submitted via CDS upload that is no more than nine months old. Rental surveys do not need to be completed by a third-party consultant and can be completed in lieu of a market study at the time of application. Include on the following worksheet, a summary of the closest three affordable and three market rate comparables, including their distance from the project, population served, number of units by bedroom size, rent by unit size, service and on-site amenities.

**Mixed Use Projects:** In addition to the above, also provide:

- ♦ Evidence of demand for commercial/retail space and marketability of space, or at least half the commercial/retail space pre-leased;
- ♦ Information from brokers on vacancy rates, turnover rates, and market rents in the neighborhood; and
- ♦ Evaluation of the neighborhood's retail environment and relative merits of the newly proposed commercial space.

#### **6. *Parcel Map***

Upload via CDS an existing parcel map. If changes in parcel configuration are involved, please also provide a map or description of the proposed future parcel configuration.

#### **7. *Evidence of Site Control***

At the time a development proposal is submitted, the developer must demonstrate that it has site control for the property for which funding is being requested, and will maintain site control until the land is acquired through one of the following; upload to electronically to CDS:

- ♦ Grant deed evidencing fee title ownership
- ♦ Purchase agreement, including evidence that the agreement be of a term sufficient to hold the property until the anticipated date of purchase
- ♦ Option to purchase or lease, including evidence that options are renewable until the start of construction
- ♦ Long term lease agreement
- ♦ Executed land sales contract or other enforceable agreement for acquisition
- ♦ Exclusive Negotiating Agreement, Lease Disposition and Development Agreement, or Disposition and Development Agreement with the City of Oakland

#### **8. *Preliminary Title Report***

Upload electronically the Preliminary Title Report that must be dated within 90 days of the application deadline. Note: this exhibit item must be updated.



## 9. **Appraisal**

Upload electronically an appraisal completed within six months of the 2021 NOFA application submission (January 7, 2022) must be submitted for staff review (unless no acquisition costs are included in the development budget). If the property is already owned by the sponsor, submit an appraisal completed within six months of its purchase.

Appraisals must conform to the Uniform Standards of Professional Appraisal Practice, in particular Standards 1 and 2. In addition, appraisals must comply with the appraisal requirements of the Appraisal Institute's Regulation 3. All appraisers must be California State Licensed/Certified. So-called "Letter Appraisals" are not acceptable. A "Self Contained Appraisal Report," per current USPAP guidelines is the minimum acceptable form of appraisal, provided the evaluation includes both improvements and environmental issues, if either is present. The appraisal must include a separate as-is value for any improvements to be retained, or a demolition cost for any to be removed. Similarly, the estimate of environmental costs must be discussed in the appraisal. Site value must be as-is, with no presumed condition like a rezoning or cleanup.

## 10. **Replacement Unit Analysis**

If any of the current site use is residential or your project involves demolition of existing residential structures, even if units are currently vacant, complete the following worksheet according to the current uses (i.e. existing unit mix) and not the proposed uses in CDS.

## 11. **Relocation Plan and Budget (if required)**

Upload a plan and a budget if the project involves temporary or permanent relocation of residential or commercial tenants, please provide a narrative Relocation Plan, Timeline and a detailed Relocation Budget. If the proposed project is financed with federal funds, the provisions of the Uniform Relocation Act will apply. Additional federal and/or state relocation requirements may also apply. If the project is financed with non-federal public funds, State relocation requirements contained in California Government Code 7260, et seq., and implementing regulations, may apply.

Developers considering a project which may result in temporary or permanent displacement should contact City staff at the earliest date possible for assistance in relocation matters. Proper notice to current and future occupants can reduce the cost of relocation.

## 12. **Letter of Conformity with Planning and Zoning Requirements.**

Upload electronically a "Zoning Summary for Affordable Housing Notice of Funding Availability (NOFA) Application" letter from the Planning Bureau certifying that the proposed use and number of dwelling units comply with current zoning and the General Plan. The Zoning Summary letter will also include a brief summary of the open space, building height, building setbacks and parking requirements and any required determinations, variances, conditional use permits, and/or density bonus concessions specific to the project site.

This letter is not required if the project has submitted a development application to the Planning Bureau at least 30 days prior to the NOFA application submittal, or has already received full entitlements. Please include evidence of discretionary land use approvals that have been received for the project (Approval Letter, Conditions of Approval, and any extensions to planning approvals received). If the development application has been submitted at least 30 days prior to NOFA application submittal, but entitlements have not yet been received, include evidence of Planning application submission and deemed complete letter.

In addition, if a project does not yet have full entitlements or a development application on file, but received a Zoning Summary letter confirming project conformity with Zoning prior to the 2021 NOFA, please simply re-submit that letter.

To obtain this letter, applicants must submit a written request to the Planning Bureau for a “Zoning Summary for Affordable Housing NOFA Application” letter. Requests made before November 30, 2021 should be submitted to: [permitinfo@oaklandca.gov](mailto:permitinfo@oaklandca.gov). Requests made after December 1, 2021 should be submitted at this url: <https://www.oaklandca.gov/services/online-permit-center> and will require applicants to create a record (ZW - Zoning Worksheet). Please contact Planning staff at 510-238-3911 if you have any questions. A fee of \$294.91 per hour, to be charged after the review is complete, will be due by check made payable to the City of Oakland. Fee is subject to change. Reviews are anticipated to take between 1-3 hours for review, depending on the complexity. The deadline to request this Zoning Summary letter, from the Planning Bureau is December 6, 2021. **Letters requested after this date are not likely to be ready by the NOFA deadline. Plan ahead.**

Include the following information in the Zoning Summary letter request:

- Detailed project and location description
- Project type (e.g., affordable housing for those earning at or below 30-60% of the area median income) and number of units proposed
- Project name, contact name, phone number, and mailing address
- Site and architectural drawings, if available.

*Please note that applicants are responsible for obtaining the Zoning Summary letter and including it in their application; the Planning Bureau will not forward the letter to Housing Community Development. If the project does not comply with the current zoning or general plan designation, provide a plan for how zoning and planning approvals will be achieved.*

### 13. **Phase I Environmental Site Assessment**

Upload electronically the Executive Summary and other narrative pages which summarize the findings and recommendations of the Phase I Environmental Site Assessment. *Do not provide all the back-up data in the application.* This back-up may be requested at a later date. Assessments should be dated within the last year. For projects involving rehabilitation or demolition, an assessment of lead-based paint and asbestos hazards should be provided.

13.(a)**Phase II Environmental Site Assessment**

If recommended in the Phase I, a Phase II Environmental Site Assessment must be provided before a project will be recommended to the City Council. With the Phase II, please include a discussion of the impact of any recommendations on the project design, budget, etc.

14. **Design Sketches**

In order to be awarded a NOFA funding commitment at City Council, full CEQA clearance must be in place. Please upload electronically designed schematics for the proposed project as submitted to Planning.

Note: If your project does not have full design sketches, it may not be possible to get CEQA clearance by the time of the City Council meeting.

If full design schematics are not available, please provide **Preliminary Design Sketches** consisting of:

- ♦ a site plan with the building footprint;
- ♦ elevations or massing for each building; and
- ♦ the basic unit configurations/plans.

**Design sketches must be to scale.** Floor plans of rental projects should include unit numbers and approximate unit square footages. Including furniture in unit plans is recommended.

**15. Development Schedule**

Complete the project development schedule in CDS.

**NOTE:** Projects that receive HOME funds are required to complete construction within four years of signing a written agreement with the City.

**16. Marketing and Management Plan**

See Addendum, *Affirmative Fair Marketing Plan* for guidelines. A Final Marketing and Management Plan will be required 180 days prior to construction completion (for rental projects) and must be approved before marketing can begin.

**17. HUD Community Housing Development Organization (CHDO) Recertification**

Developers who are certified as a HUD CHDO or are interested in becoming certified as CHDOs are required to fill out and upload the certification form electronically via CDS.

The form is available for download at <https://www.oaklandca.gov/documents/exhibit-17-chdo-application-for-new-certifications>. Additional information about CHDOs is

available at:

<https://www.hudexchange.info/programs/home/topics/chdo/#policy-guidance-and-faqs>

For further information, contact Meg Horl at [mhorl@oaklandca.gov](mailto:mhorl@oaklandca.gov).

**18. Required Certifications and Campaign Contribution Limit Acknowledgement.**

Upload into CDS the complete and executed Certifications and Campaign Contribution Limit Acknowledgement included at the end of the Application Instructions. The certification forms are available for download at

<https://www.oaklandca.gov/documents/2021-nofa-exhibit-18-certification-and-campaign-contribution-limit-acknowledgement>. More information on the City's

Contracting requirements can be found on the City of Oakland's website,

<https://www.oaklandca.gov/departments/contracts-compliance>.

For the purposes of these forms, the applicant is considered to be the "Contractor."

## **EXHIBITS 19-39: PROJECT FEASIBILITY AND SCORING CRITERIA**

Upload and input all data electronically for your development budget and other budget forms. Use the drop-down boxes in cells where applicable to select your answers. Applicable electronic versions of the application forms can be downloaded from <https://www.oaklandca.gov/documents/2021-new-construction-of-multifamily-affordable-housing-nofa>.

**Please round requested City loan amounts to \$1,000 increments.** Further instructions for completing the spreadsheets are included with the electronic files.

**Projects** must complete and upload one (1) New Construction Workbook via CDS for the following items listed below:

- Development Budget (Rental)
- Operating Budget (Rental)
- 30-Year Operating Proforma
- Financial Summary
- Unit Size and Affordability Analysis (Rental)
- HUD Utility Schedule Model ([www.huduser.org/portal/resources/utilallowance.html](http://www.huduser.org/portal/resources/utilallowance.html))

*If the proposal includes market-rate units, the operating budget should include the costs for all units in the project. If you expect management costs for affordable and non-affordable units to differ, provide a detailed description of how and why. Note that additional information about financing sources for both the affordable and market-rate portions of the project is required.*

*The calculation of "Post Construction Sources" for both affordable and market rate units is done in the Financial Summary exhibit. Note that proposed market-rate sales prices must be supported by your market study, and additional information about financing sources for both the affordable and market-rate portions of the project is required.*

**NOTE: DO NOT update the links upon opening the electronic version of the New Construction Workbook.**

### **19. Planning and CEQA Approvals**

Upload electronically to include evidence of discretionary land use approvals that have been received for the project (Approval Letter, Conditions of Approval, and any extensions to planning approvals received). If the development application has been submitted but not yet received, include evidence of Planning application submission.

**Planning applications:** If land use approvals have not yet been received, it is advisable that applicants contact the Planning Bureau (510-238-3911) to submit a Planning application *as early as possible* prior to the NOFA submittal date as the review of the development and its CEQA related documents may exceed 180 days. Please contact Planning Bureau staff to discuss the appropriate CEQA determination process for the proposed project. For Planning applications made before November 30, 2021, all required materials should be submitted to [permit\\_info@oaklandca.gov](mailto:permit_info@oaklandca.gov). For Planning applications made after December 2, 2021, applicants will need create a record ZW – Zoning Worksheet) at this url: <https://www.oaklandca.gov/services/online-permit-center>. Please contact Planning staff at 510-238-3911 if you have any question, or to discuss the appropriate CEQA determination process for the proposed project.

Please note that given the accelerated schedule for review of applications during this NOFA round, HCD staff cannot guarantee that projects that do not already have CEQA clearance will be able to receive clearance by the targeted City Council approval date for funding in March 2022. Any projects receiving funding awards must have CEQA clearance prior to City Council approval.

**California Senate Bill 35:** For project consideration of a streamlining determination per California Senate Bill 35, please download the *SB 35 Streamlining Checklist* from the City's website <https://cao-94612.s3.amazonaws.com/documents/2021-New-Construction-NOFA-SB-35-Streamlining-Checklist-PDF.pdf>.

## **20. Development Budget**

Applicants must input for the development budget via the New Construction Workbook. The workbook can be downloaded at <https://www.oaklandca.gov/documents/2021-nofa-new-construction-workbook> and upload the final to CDS.

## **21. Operating Budget**

Applicants must input for the operating budget via the New Construction Workbook. The workbook can be downloaded at <https://www.oaklandca.gov/documents/2021-nofa-new-construction-workbook> and upload the final to CDS.

## **22. 30 Year Proforma**

Complete the City provided 30 Year Pro-Forma worksheet through the New Construction Workbook Financial Workbook. The workbook can be download at <https://www.oaklandca.gov/documents/2021-nofa-new-construction-workbook> and uploaded to CDS electronically. Gross Potential Residential Income used here for the initial year must match that figure calculated in the Unit Size and Affordability Analysis. Additionally, the following assumptions apply:

- 5% annual vacancy/collection loss for family and senior projects
- 10% annual vacancy/collection loss for SRO or special needs projects
- 3.5% annual increase for expenses (other than property taxes and replacement reserves deposit). A higher annual increase of 5% is recommended for utilities.
- 2% annual increase for property tax
- 2.5% annual increase for income
- First year operating expenses should equal annual total shown in the Operating Budget
- Annual replacement reserves deposit of at least 0.5% of the replacement cost of the structure up to a maximum of \$500 per unit; and operating reserves as described in the discussion of reserves in the *Program Description and Requirements* section.
- Annual asset monitoring fee of at least \$140 per unit as described in the discussion of loan fees in the *Program Description and Requirements* section.
- If Section 8 or other rental or operating assistance is committed, an additional operating proforma should be included that assumes the contract will expire after its initial term. Applicants are encouraged to budget transition reserves due to the risk that rental assistance contracts are not renewed.
- Partnership and/or Asset Management fees are allowable. See Addendum, *Guidelines for Developer Fees* for more details.



### **23. Financial Summary Worksheet**

Applicants must complete the Financial Summary Worksheet for your operating budget via the New Construction Workbook. The workbook can be downloaded at <https://www.oaklandca.gov/documents/2021-nofa-new-construction-workbook> and upload the final to CDS.

### **24. Unit Size and Affordability Worksheet**

Applicants must input complete Unit Size Affordability information electronically via CDS. Provide information on the Unit Size and Affordability based on the proposed restricted rents.

#### **24a. HUD Utility Schedule Model-Utility Allowance**

Applicants must calculate the utility allowances using the HUD Utility Schedule Model. This model and its instructions can be found in CDS.

### **25. Construction Financing**

In CDS list **all** sources of funds for the project in the construction phase in the City-provided format and submit electronically via CDS. Use as many rows as necessary.

To score points for committed funding, attach evidence of enforceable financing commitments. A Letter of Interest is not considered an enforceable commitment.

For a commitment to be considered enforceable, it must:

- 1) be in writing, stating the essential terms of the financing;
- 2) be subject only to conditions within the control of the applicant, but for obtaining other sources such as City financing; and
- 3) be executed by an authorized officer of the grantor, lender (other than a mortgage broker), or other agency providing the commitment or award.
- 4) For all private lenders, all commitment letters must explicitly state the lender will subordinate to the City's Regulatory agreement.

**If private funding commitments contain language requiring that the City regulatory agreement be subordinated, they will not receive points.**

If land or buildings will be donated, the value of the donation should be included as an acquisition cost, and as a source of funds in the Financial Summary and in the tables below.

Name of Lender/Source Address Contact Name, Phone	Amount of Funds	Type of Financing (e.g. loan, grant, or equity)	Interest Rate	Term, Months	Committed? (attach commitment)
1.					
2.					
<b>Total Funds</b>					

**26. Permanent Financing**

In CDS, list all permanent sources of funds for the project in the City-provided format and submit electronically via CDS. Use as many rows as necessary. Attach evidence of enforceable commitments for all sources listed.

**27. Acquisition and Predevelopment Financing**

In CDS, list all acquisition and predevelopment sources of funds for the project in the City-provided format and submit electronically via CDS. Use as many rows as necessary. Attach evidence of enforceable commitments for all sources listed.

**28. Rental or Operating Subsidies (if applicable)**

If the project expects to receive a source of rental or operating subsidies, please provide a description of the source and amount of subsidy, whether or not the subsidy is committed to the project (if committed, please provide evidence of commitment), and specify the term of the subsidy in CDS.

The Oakland Housing Authority (OHA) may utilize the City of Oakland's 2021 NOFA as the competitive selection process required to award Section 8 Project-Based Vouchers (PBV) provided that the project proposal presented in response to the NOFA did not involve any consideration that the project would receive such PBV assistance. Due to the uncertainty of available federal funding, however, please note that Project-Based Vouchers may be limited or unavailable at the time of the NOFA Awards. OHA reserves the right to suspend, amend or modify the provisions of this Project-Based Voucher offering. OHA may negotiate modifications, award more or less than the full amount of PBV funding originally requested by a project, or reject all proposals entirely.

Projects selected for HCD's 2021 NOFA funding must be located within the Oakland Housing Authority's jurisdiction and the units must be subject to City of Oakland oversight and

regulation to be eligible to request PBV's from OHA. Eligible projects must be either new construction projects.

Projects that have received a previous award of Project Based vouchers are not eligible.

OHA may choose to target available vouchers first to units designated for twenty (20) and thirty (30) percent AMI households and below and those providing service enriched housing for special needs populations, such as homeless veterans. OHA will limit the number of dwelling units in a project that may receive PBV assistance to 25% of the total units within a project. If awarded a City funding commitment, the project may be issued a Letter of Invitation to request Section 8 Project Based Vouchers from OHA. The project must then submit a request in response to and in accordance with instructions provided in the Invitation. OHA will then review responses and based on guidelines and priorities outlined in the OHA Development Policy, make provisional awards subject to available funding. The Oakland Housing Authority Development Policy can be found on OHA's website at: <http://www.oakha.org/AboutUs/ReportsPolicies/Pages/default.aspx>.

OHA's Board of Commissioners must approve an award of Section 8 Project-Based Vouchers to a project. Projects must be an eligible housing type for PBV assistance (24 CFR 983.52 and 983.53) and meet accessibility requirements in accordance with the regulations implementing Section 504 of the Rehabilitation Act of 1973. Projects must also complete an Environmental Review under the National Environmental Policy Act (NEPA), a Subsidy Layering Review (SLR), and are subject to HUD Section 3 hiring goals and Davis-Bacon labor standards. Projects completing all applicable OHA and HUD reviews may then execute a Section 8 Project-Based Voucher Housing Assistance Payments (HAP) contract with OHA for up to an initial 20-year contract term. The OHA may also agree to an extension of up to an additional 20 years for an aggregate 40-year term. A project may utilize a site-based waiting list to select applicants for PBV assisted units and OHA reserves the right to require local preferences in determining the order of selection from an owner administered site-based waiting list.

For additional information about the Oakland Housing Authority's PBV program, interested parties can review OHA's Administrative Plan, Chapter 17 on OHA's website- [www.oakha.org](http://www.oakha.org) or contact Ahmed Karimi, Oakland Housing Authority, Sr. Management Analyst at (510) 587-2155, or by email at [akarimi@oakha.org](mailto:akarimi@oakha.org) with a copy to [LHD@oakha.org](mailto:LHD@oakha.org).

**Please note that applicants are required to submit their applications and project budgets assuming no Section 8 PBV assistance will be available.** In the event that: 1) federal funding is available, and 2) OHA issues an invitation for applicants to apply, and 3) if a project receives a PBV award and is able to leverage additional permanent financing that reduces the need for City funding, the City's funding commitment may be reduced based on the amount of additional funds leveraged.

Projects that request PBVs should also understand that the Fair Market Rents shown in the Income, Rent, Utility Allowance, and Owner-Occupied Housing Payment Limits addendum are published by HUD annually and are the basis for which public housing agencies set their voucher payment standards. It is the OHA Voucher Payment Standard that establishes the maximum approvable contract rent for a PBV program unit. The OHA will rely upon a rent comparability survey and the rent schedule authorized in the HUD approved Subsidy Layering Review to determine initial PBV contract rents for the project.

## **29. Neighborhood Narrative and Revitalization Description**

1. **Neighborhood Narrative:** In CDS, describe the site and neighborhood which the development will be located in, including:
  - ♦ The current uses of the project site and surrounding area.
  - ♦ A general description of the neighborhood character including typical land uses
  - ♦ Local building construction type and condition
  - ♦ Availability of transportation, retail, and other public services (health and social services, recreation/open space, elementary and secondary schools)
  
2. **Neighborhood Revitalization Description:** Describe how the proposed project will contribute to the overall enhancement and revitalization of the neighborhood. Specifically, discuss:
  - ♦ How the proposed project will impact its immediate surroundings.
  - ♦ The Specific Plan Area or a Priority Development Area, identify the Area, if applicable.
  - ♦ The current neighborhood-specific revitalization plan where the project is proposed such as the Oakland Sustainable Neighborhood Initiative (OSNI) and San Pablo Avenue Revitalization Coalition (SPARC), and those who participated in its creation.
  - ♦ How the proposed project contributes to the Neighborhood revitalization plans.
  - ♦ The types and locations of proposed housing in the current neighborhood revitalization plan, if applicable.
  
  - ♦ How the proposed project relates to the current neighborhood revitalization plan, if applicable.
  - ♦ How the proposed project will prevent the displacement of low-income residents.
  - ♦ Provide census tract number and Urban Displacement Map tier with the property clearly identified by using the map at <https://www.urbandisplacement.org/maps/sf-bay-area-gentrification-and-displacement>.
  
3. **Neighborhood Revitalization Activities:** List other revitalization and development projects within a ¼ mile of the project site that are planned, underway, or recently completed. Identify the approximate distance of other development projects from the project site.

4. **Photos:** Attach recent, clearly labeled, photos of the project site and surrounding area and buildings. At a minimum, include separate photos of the site and street (from both sides and directions):

Digital photos, submitted both in hard copy and on a flash drive with the application, are preferred.

5. Attach a copy of any current and relevant neighborhood revitalization plans.

### **30. Location Map**

Upload a location map via CDS, to include transit lines/stations/transfer points and major neighborhood services (e.g. full-service grocery stores, farmers' market, drug stores, and/or schools and community/recreation centers that serve your target population). Map should clearly indicate which amenities and transit stops are within one-half (1/2) mile and one (1) mile from the project site and should provide a key with street addresses on a separate sheet.

**31. Developer Experience Worksheets**

Provide in CDS the following information, in roughly the same format, for **all projects** developed within the last ten years. Developers must have completed at least three projects to qualify for the NOFA. Developers who have successfully completed more than the minimum number of required projects within the last ten years will be given preference. For “emerging developers”, please provide detailed information on years of experience and the number of completed projects in the Developer Experience section in CDS.

Please submit electronically via CDS.

<b>Project Name:</b>	<b>Completion Date:</b>
<b>City:</b>	<b>Total Project Cost:</b>
<b>Number of Units:</b>	<b>Rental or Ownership:</b>
<b>New Construction or Rehabilitation:</b>	

**Major Funding Sources**


**Project References - Individual in Local Governing Body most familiar with project.**

(Include Name, Organization, Title or Relationship to Project, Address, and Phone)

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**Completion** (Relative to schedule and budget at start of construction)

**Budget**

On time, delayed (by ___ months), etc.	Project over budget by ___%
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**If applicable, explain why project was delayed or over budget:**

<b>Project Key Staff</b>	<b>Name</b>	<b>Current Title</b>	<b>Role in Current Project</b>
Project Manager			
Director of Real Estate Development			
Executive Director			
Other			
Other			

**32. Joint Venture Agreement**

If the applicant is a Joint Venture, a Joint Venture Agreement is required, clearly describing the roles and responsibilities of each partner, who is the lead partner, or if the responsibilities are approximately equally split between the partners. Upload the agreement via CDS.

**33. Developer Capacity Worksheet**

Provide the following information for project staff of the proposed project. Please submit electronically via CDS.

<b>Project Staff</b>	<b>Name</b>	<b>Role in <i>other</i> current or planned developments</b> (For housing development staff, list role, project name, number of units, start and completion dates)	<b>Years of Relevant Experience</b>	<b>Years with this Developer</b>
<b>Project Manager</b>				
<b>Director of Real Estate Development</b>				
<b>Executive Director</b>				
<b>Asset Manager</b>		Provide the number of properties overseen by the Asset Manager:		
<b>Controller / CFO / Accounting Manager</b>		Provide the number of accounting staff employed by the developer:		
<b>Other</b>				

### 34. Resumes of the Developer's Key Staff

Upload to include resumes for the developer's key staff that will be assigned to the proposed project. See Addendum, *Minimum Developer Qualifications* for specific requirements.

### 35. Resumes and Experience of Other Members of the Development Team

As a cover page to this Exhibit, indicate which of the following Development Team Members have been selected and identify them. Enter and upload documentation via CDS.

- \_\_\_\_\_ Developer, if different from applicant
- \_\_\_\_\_ Architect(s)/Engineer(s)
- \_\_\_\_\_ Attorney(s) and/or Tax Professionals
- \_\_\_\_\_ Property Management Agent
- \_\_\_\_\_ Financial and Other Consultant(s)
- \_\_\_\_\_ General Contractor
- \_\_\_\_\_ Investor
- \_\_\_\_\_ Service Provider

For each Team Member other than the developer, provide the following supplemental information. See Addendum: *Minimum Developer Qualifications* for specific requirements for each type of participant.

- Descriptions of at least 3 previous projects, including the address, number of units, total cost, completion date and funding sources.
- Resumes of the assigned project staff.

### 36. Audited Financial Statements and Financial Analysis Worksheets

Financial statement review will evaluate the organization's net assets, debt equity ratio, and current assets and liabilities ratio, and other factors using the Organizational Underwriting Tool developed by Alameda County.

Provide, for all project sponsors, the following documents regarding financial strength and capacity. Upload the Financial Analysis Worksheets via CDS.

- Audited financial statements for the organization from the past two years (**if these are consolidated financial statements, they must also include the standalone financial statements for sponsor/parent organization**),

Organizational Underwriting Tool completed with data from most recent audited standalone financial statements. Please review results and provide comments or explanation, if necessary. Electronic versions of the spreadsheets can be downloaded at <https://www.oaklandca.gov/documents/2021-pipeline-nofa-exhibit-36-financial-analysis-worksheet>.



- If particular circumstances about an organization's financial position or capacity require explanation, provide a narrative summary in addition to the financial statements.

### **37. Preliminary Resident Services and Technology Plan and Service Provider MOUs**

Please upload the Resident Services Plans via CDS. Resident Services Plans should be well defined, identify committed or proposed funding sources (projects with committed funding receive preference), have an identified provider, and show evidence of consultation with established service providers. A preliminary budget, or sources and uses of funds, should be included if possible. Services may include free or sliding-scale services such as computer classes and the provision of a common computer room, credit counseling, child care, employment and training programs, ESL classes, after school programs, individual case management, counselors, health services, or other services relevant for the community served.

Resident service coordination reasonable for the programs provided and size and type of population being served may be funded as an operating cost. However, case management services are not an eligible cost. For questions about potential sources of services funding, contact [Lara Tannenbaum](mailto:Lara.Tannenbaum@oaklandca.gov) in the City of Oakland's Department of Human Services at [Ltannenbaum@oaklandca.gov](mailto:Ltannenbaum@oaklandca.gov).

**Technology Plan:** Projects must provide the capacity for high-speed internet access in each unit by a means that does not impede use of the primary telephone line. In CDS, please address how the project will meet or exceed this requirement. Descriptions of tutoring, training, and computer facilities provided for residents should also be included as an element of the Resident Services Plan.

**Residence Services Plan:** Enter into CDS, if a project reserves units for Special Needs and/or Homeless populations, the Resident Services Plan must state clearly how many special needs and/or Homeless set-aside units there will be in the project and the exact population that will be targeted; must demonstrate that the essential supportive and social service needs of the target population will be met (e.g., health services for people with chronic health conditions; mental health services for people with mental illness) and must include individual case management services. The developer must agree to follow the State of California's housing first principles, Welfare and Institutions Code (WIC) [8255 (d)(1) and (2)(A) and (B)]

Developers are also encouraged to use the Alameda County's Home Stretch Coordinated Entry System in their tenant selection processes to fill designated permanent supportive housing units for homeless individuals with disabilities.

[https://library.municode.com/ca/oakland/codes/code\\_of\\_ordinances?nodeId=TIT15BUCO\\_CH15.63OAREWOPRREAFHOPR\\_ARTIPRMUAFHOPR\\_15.63.010PU#:~:text=The%20purpose%20of%20the%20displacee,availability%20for%20affordable%20rental%20housing](https://library.municode.com/ca/oakland/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.63OAREWOPRREAFHOPR_ARTIPRMUAFHOPR_15.63.010PU#:~:text=The%20purpose%20of%20the%20displacee,availability%20for%20affordable%20rental%20housing).

**Memorandum of Understanding:** Upload into CDS any current MOU's or other agreements with supportive service providers for the project, or information regarding contacts made with services providers. Provide information on potential and committed services funding to be used for the project.

The Corporation for Supportive Housing's website, [www.csh.org](http://www.csh.org), can provide useful resources on development of Supportive Services Plans, as well as on the development, financing, and management of permanent supportive housing projects.

### **38. Sustainability Plan**

Applicants submitting new construction projects must submit via CDS upload an initial checklist for either the GreenPoint Rated (<http://www.builditgreen.org/greenpoint-rated/>) or LEED (<http://www.usgbc.org/leed>) certification. All new construction projects are required to be either GreenPoint Rated or LEED certified. For more information, see the *NOFA Scoring Criteria* and *Program Description* sections.

Other rating or certification systems may also be acceptable, but the equivalency of the proposed system and the score to be achieved must be reviewed and approved by City staff.

It is understood that most proposals are in early stages of design development, and therefore, applicants are asked to complete the GreenPoint or LEED checklists based on their intent to incorporate green building components. Projects that are awarded City funding will be evaluated for the actual design prior to start of construction and will be required to achieve the same GreenPoint or LEED score range as was achieved for NOFA scoring.

Please include the GreenPoint or LEED checklist on hard copy in the application and on a flash drive with your application.

## **CERTIFICATIONS**

Applicant hereby certifies:

### **1. Truth of Application**

That the information submitted in the Application and any supporting materials is true, accurate, and complete to the best of its knowledge. Applicant acknowledges and understands that if facts and/or information herein are found to be misrepresented, it shall constitute grounds for the default of the loan for which application is being made.

### **2. No Conflicts of Interest**

- For HUD-funded projects, that, to the best of its knowledge, no "covered person" (as defined below) associated with the City has or will obtain a financial interest or benefit from this loan or the project, or has or will obtain an interest in any contract, subcontract or agreement with respect to the loan, the project or the proceeds thereunder, either for themselves or those with whom they have immediate family or business ties, during that covered person's tenure with the City or for one year thereafter. A "covered person" for purposes of this paragraph includes any employee, agent, consultant, officer, or elected or appointed official of the City who, with respect to activities assisted with HUD funds, (a) exercises or have exercised any functions or responsibilities, or (b) is in a position to participate in a decision making process, or (c) is in a position to gain inside information. No officer, employee, agent, or consultant of Applicant or Applicant's affiliates may occupy a project unit. Applicant's attention is directed to the conflict of interest rules for the HOME program codified in 24 CFR §92.356.
- That no public official of City who has been involved in the making of the loan, or who is a member of a City board or commission which has been involved in the making of the loan, has or will receive a direct or indirect financial interest in the loan or the project in violation of the rules contained in California Government Code Section 1090, et seq., pertaining to conflicts of interest in public contracting. Applicant must exercise due diligence to ensure that no such official will receive such an interest. If Applicant, a general partner of Applicant, or an affiliate of Applicant or Applicant's general partner is a nonprofit corporation, Applicant is certifying that, to the best of its present knowledge, that any such public official of City who is an employee or a non-compensated director or officer of said nonprofit corporation has disqualified himself or herself from participating in the City's decision to make the loan.
- That to the best of its present knowledge and excepting any written disclosures as to these matters made by the applicant to City, that (1) no public official of City who has participated in decision making concerning the loan or the project or has used his or her official position to influence decisions regarding this loan or the project, has an economic interest in Applicant or the project, and (2) neither the project nor the loan will have a direct or indirect financial effect on said official, the official's

spouse or dependent children, or any of the official's economic interests. Applicant shall promptly disclose to City in writing any information it may receive concerning any such potential conflict of interest. Applicant's attention is directed to the conflict of interest rules applicable to governmental decision making contained in the Political Reform Act (California Government Code Section 87100, et seq.) and its implementing regulations (California Code of Regulations, Title 2, Section 18700, et seq.).

- That Applicant has read and is aware of the City of Oakland Government Ethics Act (Oakland Municipal Code Chapter 2.25) (the "Act"), including, without limitation, the provisions prohibiting Conflicts of Interest and Personal Gain set forth at OMC 2.25.040, and those prohibitions applicable to Public Servants (as defined under the Act) relating to (a) the influencing of contracts with former employers and (b) nepotism, as set forth in OMC 2.25.070. Applicant must exercise due diligence to ensure that no Public Servant will have a conflict as a result of Applicant's application, and the applicant shall immediately notify the City in writing of any real or possible conflict of interest described herein.

### **3. No Use of Suspended/Disbarred Contractors**

That Applicant its principal and its contractors:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this Application been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; or violation of Federal or State antitrust statutes or commissions of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in the subsection (b) above; and
- (d) Have not within a three-year period preceding this Application had one or more public transactions (Federal, State, or local) terminated for cause or default.

If Applicant is unable to certify as to any of the above statements, Applicant has attached a written explanation to this Agreement.

### **4. Choice-Limiting Actions During NEPA Review Are Prohibited**

That Applicant acknowledges that any choice limiting actions or actions that have environmental consequences as defined in the *Program Description and Requirements*

section will not be undertaken during the period between application submittal and the completion of the City's environmental review process.

**5. Applicant Will Abide by Program Rules**

That if Applicant is successful in receiving funds as a result of this Application, it will abide by all applicable rules and regulations governing the program.

**6. Applications are Public Records**

That Applicant acknowledges that the information submitted as part of this application may be made available to the public pursuant to a request under the California Public Records Act and the City of Oakland's Sunshine Ordinance.

**7. Material Changes to Project.**

That Applicant acknowledges that any material changes to the Project not disclosed to and approved by City may result in termination of funding for the Project. Material changes include but are not limited to: changes to the Project's design, amenities, and number and size of units; changes to the development budget; changes to the proposed sales prices, rents or operating expenses; changes to the sources, amounts or terms of financing; changes to the ownership entity or key staff and consultants identified in the Application, or changes to other Application items.

**8. Acknowledgement of Financing Commitment Timeline**

That Applicant acknowledges their understanding that, 24 months after receiving City Council approval for the Project's City financing commitment, the Project must have received enforceable commitments for all other financing sources, or the Project will risk losing its City financing commitment and risk receiving negative points on future applications for City funding.

**9. Status of New Materials Submitted**

That Applicant acknowledges that the identified status of submitted materials as either "new" or "unchanged" on the Housing Development Financing Application Checklist is true and accurate as of the date of submission.

**10. Financial Guarantees**

That Applicant is willing and able to provide all required financing guarantees required by construction lenders, tax credit investors, and the City of Oakland.

**11. For LIHTC Tax Credit Projects Only**

Negative Points: That Applicant has received no negative points or sanction from a State Allocating Agency for LIHTC and or private activity bonds in the last three years.

CTCAC General Partner Experience Points: That Applicant qualifies for maximum general partner experience points under the 2020 CTCAC Regulations and has(have) not received any negative points from CTCAC since January, 2018.

CTCAC Property Manager Experience Points: That Applicant’s proposed property manager qualifies for maximum property manager experience points under the 2020 CTCAC Regulations and has(have) not received any negative points from CTCAC since January, 2018.

**12. Project Completion On-Time and On-Budget**

That all new construction and rehabilitation projects of the Applicant in the last three years completed construction and lease-up on-time and on-budget. If Applicant is unable to certify to this statement, Applicant has attached a written explanation to this Application.

Applicant Name(s):

\_\_\_\_\_

Title(s):

\_\_\_\_\_

Signature/Date:

\_\_\_\_\_

**ATTENTION: CONTRACTORS DOING BUSINESS  
WITH THE CITY OF OAKLAND**

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**IMPORTANT NOTICE OF CAMPAIGN CONTRIBUTION REPORTING REQUIREMENTS**

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The Oakland Campaign Reform Act prohibits contractors doing business or seeking to do business with the City of Oakland, or the Oakland Unified School District from making campaign contributions to Oakland candidates **between commencement of negotiations and either 180 days after completion of, or termination of, contract negotiations.**

Effective July 27, 1999, if you are a contractor doing business with, or submitting a proposal to do business with, the City of Oakland, you are required pursuant to the City's Campaign Reform Act to sign and date the attached ACKNOWLEDGEMENT OF CAMPAIGN CONTRIBUTION LIMITS FORM at the time you formally submit a bid, proposal, qualification or contract amendment.<sup>1</sup>

The attached ACKNOWLEDGEMENT must be received at the same time the bid, proposal, qualification or contract amendment is submitted. **Contracts may not be awarded to any contractors who have not signed this certification.** In addition, failure to file this form with any proposal or submittal subject to section 3.12.140 of the Oakland Campaign Reform Act, or filing a false acknowledgement, shall subject you to the criminal and civil enforcement provisions contained in the Act. The Oakland Public Ethics Commission is charged with enforcement of the provisions of the Act.

The City Clerk shall keep an updated list of current contractors available for inspection. The Campaign Reform Act, Oakland Municipal Code section 3.12, is available for your review at the City Clerk's Office, One Frank Ogawa Plaza, 2<sup>nd</sup> Floor, Oakland, CA. You may also access the Campaign Reform Act on the City's website at:

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<sup>1</sup> The attached ACKNOWLEDGEMENT is required for contractors seeking to do business with the City of Oakland. For contracts with the Oakland Unified School District, please contact the Oakland Unified School District.

## Contractor Acknowledgement of City of Oakland Campaign Contribution Limits

To be completed by City Representative prior to distribution to Contractor

City Representative \_\_\_\_\_ Phone \_\_\_\_\_ Project Spec No. \_\_\_\_\_

Department \_\_\_\_\_ Contract/Proposal Name \_\_\_\_\_

This is an  Original  Revised form (check one). If Original, complete all that applies. If Revised, complete Contractor name and any changed data.

Contractor Name \_\_\_\_\_ Phone \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Street Address \_\_\_\_\_ City \_\_\_\_\_, State \_\_\_\_\_ Zip \_\_\_\_\_

Type of Submission (check one)  Bid  Proposal  Qualification  Amendment

**Majority Owner** (if any). A majority owner is a person or entity who owns more than 50% of the contracting firm or entity.

Individual or Business Name \_\_\_\_\_ Phone \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Street Address \_\_\_\_\_ City \_\_\_\_\_, State \_\_\_\_\_ Zip \_\_\_\_\_

**The undersigned Contractor's Representative acknowledges by his or her signature the following:**

The Oakland Campaign Reform Act limits campaign contributions and prohibits contributions from contractors doing business with the City of Oakland and the Oakland Redevelopment Agency during specified time periods. Violators are subject to civil and criminal penalties.

I have read Oakland Municipal Code Chapter 3.12, including section 3.12.140, the contractor provisions of the Oakland Campaign Reform Act and certify that I/we have not knowingly, nor will I /we make contributions during the period specified in the Act.

I understand that the contribution restrictions also apply to entities/persons affiliated with the contractor as indicated in the Oakland Municipal Code Chapter 3.12.080.

If there are any changes to the information on this form during the contribution-restricted time period, I will file an amended form with the City of Oakland.

\_\_\_\_\_  
Signature

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Signer

\_\_\_\_\_  
Position

To be Completed by City of Oakland after completion of the form

Date Received by City: \_\_\_\_/\_\_\_\_/\_\_\_\_ By \_\_\_\_\_

Date Entered on Contractor Database: \_\_\_\_/\_\_\_\_/\_\_\_\_ By \_\_\_\_\_